



Report to Council

Department: Infrastructure Services
Division: Infrastructure Services
Date: June 17, 2024
Prepared by: Kevin Girard, P.Eng., MBA
Director, Infrastructure Services
Report Number: Infrastructure Services-2024-02
Subject: Beach Road Upgrades & Maintenance
Number of Pages: 6

Recommendation(s)

That Infrastructure Services-2024-02 entitled, “**Beach Road Upgrades & Maintenance**” prepared by Kevin Girard, Director, Infrastructure Services dated June 17, 2024 be received, and

That Council direct Administration to continue to provide minimal maintenance on owned and not assumed beach roads, including the current snow removal practice; and

That Council direct Administration to upgrade owned and not assumed beach roads to the current Town of Essex development standard in accordance with the process outlined in O.Reg. 586/06: Local Improvement Charges – Priority Lien Status, as amended, upon request from benefitting property owners on these roads.

Purpose

At its Regular Meeting of Council on June 5, 2023, Council resolved the following:

R23-06-238

That Council, recognizing that our beach roads are growing with development and improvements, direct Administration to review and report on the current level of service for Town owned but not assumed beach roads and, if appropriate, provide low cost options for raising the level of service of the roads with 2023 Council Contingency Funds and future budgets.

Moved by Councillor Brad Allard

Seconded by Councillor Kim Verbeek

Background & Discussion

Over the decades, many requests have been submitted to the Town of Essex regarding the condition, maintenance and development of various beach roads along the southern portion of Essex as identified in the attached maps. Many of these requests have been in the form of petitions that have been submitted and presented to Council.

Over the last century, lands along the northern coast of Lake Erie were developed as lakefront property for summer cottages. In many instances, these lands were developed without any engineering analysis, traffic considerations, utility considerations, or the consideration for road maintenance. As a result, a variety of road designs and conditions exist.

In and around the 1960's, these cottages began to turn into permanent homes. It was understood that these roads were not maintained by the Town and the owners had to accept the problems and inconveniences that are associated with them (ie. drainage, maintenance and snow removal).

As identified in the attached maps, currently there for over forty (40) beach roads not assumed by the Town. A number of these are completely private roads, and others are owned by the Town but have not been assumed. Most of these roads that are owned but not assumed are those that were registered to the Town under old Plans of Subdivision, but that did not meet

the engineering standard of the day, and therefore, have never received maintenance by the Town even from their inception.

In 2006, a Beach Roads Committee was formed comprising of members of Council and administration with public feedback that was gathered from beach road property owners in 2007. That committee was tasked with the review of these roads and to propose policies to Council related to municipal involvement with these roads. Subsequently in November 2008, as a result of the work of the committee, Council directed administration to provide minimum maintenance on the owned and not assumed beach roads. This included some grading in accordance with Minimum Maintenance Standard legislation and the contracting out of snow **removal on these roads following 100mm (4") of snow accumulation, or as needed depending** on snow drifting, to the discretion of Public Works staff. This direction was given by Council with the knowledge that upgrades and improvements to owned and not assumed roads would **need to be initiated and borne by the owners along these roads, as is the Town's position to** this day.

Since 2008, the Town has maintained the practice of minimal maintenance on owned and not assumed beach roads as directed by Council. This is the lowest cost option to ensuring the proper maintenance of the road and ensures that the roads at a minimum are maintained in accordance with O.Reg. 239/02 (Minimum Maintenance Standard), identified by the Province.

It should be noted that any upgrades to beach roads will have not only an upfront capital cost, but will also have perpetual maintenance and future replacement costs as part of the Town's Asset Management Plan, meaning that significant tax dollars would be required to upgrade and maintain these roads to a new standard. Given that these roads were originally developed to a lesser standard than the Town was willing to assume on their inception (1960's & 1970's), and that its important for the Town to remain fair and equitable in the development of lands and the maintenance of roads, it is still recommended that the residents along these roads be responsible for the cost to bring the roads up to the current Town standard.

Local Improvement Charges Regulations

When the Town is approached to upgrade an owned and not assumed beach road, it is generally communicated to that resident(s) the improvements to the road that would be necessary to bring it to the Town standard, in accordance with the Town's Development Standards Manual which may include, but are not limited to:

- Road Width
- Road Base (Granular thickness)
- Drainage improvements (Municipal Drains under the Drainage Act or Town sewers)
- Underground infrastructure connections/looping
- Relocation of 3rd party utilities
- Addressing road crossings and culverts
- Removal of existing obstructions (ie. trees, brush, boulders, encroachments)
- Acquisition of additional land or establishment of easements
- Removal/Improvement of dead ends
- Signage
- Lighting

That resident is then provided the steps required to proceed with upgrades in accordance with O.Reg. 586/06: Local Improvement Charges – Priority Lien Status. This process would allow the owned and not assumed neighbourhood to petition to the Town for the improvement of their road. The petition would require signatures from at least two-thirds of the affected property owners, representing at least one-half of the assessed property value, in accordance with the legislation. Should the petition be successful, and Council agree to the project through passing of the applicable By-Law, all (100%) of the actual cost will be shared among the benefiting property owners.

Should the local improvement project be completed to bring the owned and not assumed road up to Town standard, the Town would assume the road and its future maintenance and replacement similarly to other owned and assumed roads in the municipality.

Financial Impact

There are no financial impacts as a result of this report. However, should the Local Improvement Charges Regulation be used to implement road upgrades to owned and not assumed beach roads, Council will need to consider the cost in the passing of the By-Law as part of the legislative process.

In addition, should the road improvements be successfully implemented by the residents and the Town, the Town would need to begin maintaining these roads at the current level of service provided on other owned and assumed roads throughout the municipality. This would result in annual operational costs for the maintenance of these roads. In addition, these roads would become assets of the Town and would be included in our Asset Management inventory for future capital replacement expenditures.

Consultations

Lori Chadwick, Director, Development Services

Joe Malandrucolo, Director, Legal and Legislative Services

Link to Strategic Priorities

- ☒ Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- ☐ **Leverage our Town's competitive advantages to promote jobs and economic** investment.
- ☐ Take care of our natural environment and strengthen the sense of belonging to everyone **who makes Essex "home"**.
- ☐ Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- ☐ Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

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| Document Title: | Beach Road Improvements and Maintenance - Infrastructure Services-2024-02.docx |
| Attachments: | - Beach Roads_East.pdf - Beach Roads_West.pdf |
| Final Approval Date: | Jun 10, 2024 |

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read 'Doug Sweet', with a long horizontal stroke extending to the right.

Doug Sweet, Chief Administrative Officer - Jun 10, 2024 - 10:12 AM